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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

CAUSE NO. 1:11-CV-1018-LY

IT IS ORDERED that the Texas Psychologists' Licensing Act, to the extent it prohibits, without the State's license or permission, engaging in the practice of psychology as defined by Texas Occupations Code section 501.003(b)(2) in conjunction with section 501.003(c), is

HEREBY DECLARED unconstitutionally overbroad, in violation of the freedom of speech under the First Amendment to the United States Constitution. Accordingly, the Texas State Board of Examiners of Psychologists, its agents, and any other state agency are **HEREBY ENJOINED** from enforcing against any person a prohibition or punishment of the unlicensed practice of psychology as defined by Texas Occupations Code § 501.003(b)(2) in conjunction with section 501.003(c), except in the context of commercial speech.

IT IS FURTHER ORDERED that the Texas Psychologists' Licensing Act, to the extent it prohibits, without the State's license or permission, engaging in the practice of psychology as defined by Texas Occupations Code Section 501.003(b)(1), that is, representing oneself "to the public by a title or description of services that includes the word 'psychological,' 'psychologist,' or 'psychology,'" is **HEREBY DECLARED** unconstitutional as applied to Plaintiff Mary Louise Serafine's political campaign speech, as a violation of her freedom of speech under the First Amendment to the United States Constitution. Accordingly, the Texas State Board of Examiners of Psychologists, its agents, and any other state agency are **HEREBY ENJOINED** from enforcing any prohibition or punishment of the unlicensed practice of psychology as defined by Texas Occupations Code § 501.003(b)(1) against Serafine for political speech.

IT IS FURTHER ORDERED that: Plaintiff Mary Louise Serafine **TAKE NOTHING** by her action against Defendants on her claims under 42 U.S.C. § 1983 for prior restraint and commercial free speech.

IT IS FURTHER ORDERED that the following attorney's fees are awarded to Plaintiff Mary Louise Serafine: \$21,000 for work performed by Mountain States Legal Foundation and \$12,862.50 for work performed by Bates PLLC.

IT IS FURTHER ORDERED that costs of court in the amount of \$14,229.75 are awarded to Plaintiff Mary Louise Serafine.

IT IS FURTHER ORDERED that any relief not expressly granted herein is **DENIED**.

IT IS FURTHER ORDERED that all pending motions are **DISMISSED**.

IT IS FINALLY ORDERED that this case is **CLOSED**.

SIGNED this 28th day of November, 2016.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE